

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
 AND VARIANCE - SE/S Masemore Road, \*  
 235' SW of c/l Hillside View Road \* DEPUTY ZONING COMMISSIONER  
 (17515 Masemore Road)  
 7th Election District \* OF BALTIMORE COUNTY  
 3rd Councilmanic District \*  
 \* Case No. 97-53-XA  
 Edward L. Dell, et ux \*  
 Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 17515 Masemore Road, located in the vicinity of Mt. Carmel Road and I-83 in Parkton. The Petitions were filed by the owners of the property, Edward L. and Sandra L. Dell, through their attorney, Michael E. Marino, Esquire. The Petitioners request a special exception for a landscape service operation on Parcel A of the subject property, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 404.1.A to permit an internal roadway setback from any property line of 1 foot in lieu of the required 25 feet; 2) from Section 409.8.A.2 to permit driveways and parking areas not to be paved or macadam surfaced but to be crusher run surfaced; 3) from Section 404.1.B to permit existing accessory structures (shed and garage) to be located within 20 feet of a property line in lieu of the required 50 feet; and, 4) from Sections 404.1.C and 404.3.C to permit loading and unloading to take place 35 feet from a property line in lieu of the required 100 feet, or 20 feet within a fully enclosed structure in lieu of the required 50 feet to allow the continued use of the existing shed and garage for loading and unloading. The subject property and relief sought are more particularly described on

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 By [Signature]

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the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Edward and Sandra Dell, legal owners of the property, their son, Steve E. Dell, who operates the landscape service operation on the subject property, Paul Lee, Professional Engineer who prepared the site plan, George J. Bromwell, Gary Bennett, Code Inspection Officer with Baltimore County's Department of Permits and Development Management, and Michael E. Marino, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were several residents from the surrounding community, including C. Robert McMillion, Kenneth and Maryann R. Smalley, John J. Ghinger, III, and Robert P. Whelen, Jr.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.792 acres, more or less, zoned R.C.2, and is improved with a single family dwelling with an attached garage, a macadam paved driveway, wood retaining wall, and several outbuildings, including a detached garage and shed. This detached garage and shed are located in the southeast corner of the site in the area identified as Parcel A on the site plan, which consists of 0.4 acres. The Petitioners wish to establish Parcel A as a special exception use for the landscape service operation, separate and apart from their residential use of the remainder of their property. Testimony revealed that the Petitioners' son has operated the landscape service operation from the subject site for the past 10 years. Initially, Steve Dell began the operation as a summer job, cutting grass and maintaining lawns in the Hereford area. However, over the years, the business has grown to a year-round landscaping and snow removal business. Steve Dell now owns and operates two pick-up trucks, two one-ton dump

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trucks, three trailers, which are used to haul landscaping equipment, one bobcat, one skid-loader, and various other accessory tools used in the landscaping service operation. Most of the equipment used in the operation is stored within the garage and shed located on Parcel A; however, the larger vehicles must be stored outside. Parcel A has no direct access to Masemore Road, but is accessed by an existing stone driveway that leads out from the rear of the property to Hillside View Road, which traverses through a residential neighborhood where most of the Protestants who attended the hearing reside. This is one of the reasons why the Protestants attended the hearing.

While the Petitioner's business started out as a small family-run business, it has now grown over the years to where the Petitioner now employ others to work in the landscape service operation. Testimony revealed that the workers meet at the subject property in the morning to pick up landscaping tools and equipment and drive off to the various job sites. The employees are basically gone for most of the day and return to the site in the evening, usually at dusk. Therefore, most of the disturbance caused by the operation of the business is during the morning when the workers arrive at the site and in the evening hours when they return. The Petitioners have filed the instant Petitions to allow them to continue to operate the landscape service business from the subject site as they have for the past 10 years.

As noted above, several residents from the surrounding community appeared in opposition to the request. Mr. Robert McMillion and Mr. Kenneth Smalley testified that they are generally opposed to the operation in that the business has grown over the years and has become too large for the subject property. They testified that the Petitioners continue to add

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equipment for use in this operation that are both large and, at times, loud. The Protestants testified that access to the special exception area is over a narrow stone road which is difficult to maneuver with some of the larger pieces of equipment. Testimony indicated that the Petitioners are unable to drive up the driveway, but must turn the vehicles around and back up the driveway. The Protestants are concerned that the Petitioners might not see some of the children who reside nearby when they are attempting to maneuver this equipment backwards up this driveway which could result in an unfortunate accident. These residents indicated that at least some of the trucks are equipped with back-up beepers, which during the evening hours, makes a loud sound that permeates the neighborhood. The residents further testified that the Petitioners service and clean their equipment on the subject property which also generates a great deal of noise. They testified that the Petitioners have, on occasion, used a hammer to knock dirt and debris from the bed of the dump trucks when cleaning out the vehicles. These residents feel that the Petitioner's business has simply outgrown the subject property and should therefore be moved to a more acceptable, non-residential location.

After considering all of the testimony and evidence offered by both the Petitioners and the Protestants, I am persuaded to deny the special exception request. It is apparent, given the size and magnitude of the Petitioner's operation that he has simply outgrown his present location. It is clear that he is unable to operate his landscaping and snow removal business from the subject property without having a detrimental effect on the health, safety and general welfare of the residents in the surrounding community. The small access driveway through the residential community is the main contributing factor to the adverse effect this

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J. P. [Signature]

landscaping service operation has on the surrounding community. The Petitioner has simply outgrown the area, which, at one time, could accommodate his small lawn service business. However, given the nature and extent of his present operation, the Petitioner must find a new location from which to operate. Therefore, the special exception and variances shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variance requests shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25<sup>th</sup> day of November, 1996 that the Petition for Special Exception for a landscape service operation on Parcel A of the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 404.1.A to permit an internal roadway setback from any property line of 1 foot in lieu of the required 25 feet; 2) from Section 409.8.A.2 to permit driveways and parking areas to be crusher run surfaced in lieu of the required paved or macadam surface; 3) from Section 404.1.B to permit existing accessory structures (shed and garage) to be located within 20 feet of a property line in lieu of the required 50 feet; and, 4) from Sections 404.1.C and 404.3.C to permit loading and unloading to take place 35 feet from a property line in lieu of the required 100 feet, or 20 feet within a fully enclosed structure in lieu of the required 50 feet to allow the continued use of the existing shed and garage for loading and

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Date 11/25/96  
By [Signature]

IN THE MATTER OF  
THE APPLICATION OF  
EDWARD L. DELL, ET UX  
FOR SPECIAL EXCEPTION AND  
VARIANCES ON PROPERTY LOCATED  
ON THE SOUTHEAST SIDE MASEMORE  
ROAD, 235' SW OF C/L HILLSIDE  
VIEW ROAD (17515 MASEMORE RD)  
7TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 97-53-XA

\* \* \* \* \*

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated November 26, 1996 in which the Petition for Special Exception and Petition for Variances were DENIED.

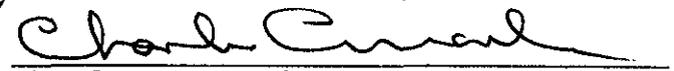
WHEREAS, the Board is in receipt of a Dismissal of appeal filed by Michael E. Marino, Esquire, on behalf of Edward L. Dell and Sandra L. Dell, Petitioners /Appellants, filed June 6, 1997 (a copy of which is attached hereto and made a part hereof); and

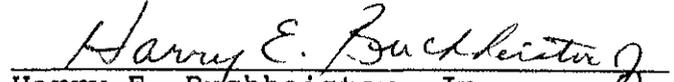
WHEREAS, said Counsel for Petitioners /Appellants requests that the appeal filed in this matter be withdrawn and dismissed as of June 6, 1997;

IT IS HEREBY ORDERED this 19th day of June, 1997 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
\_\_\_\_\_  
Kristine K. Howanski, Chairman

  
\_\_\_\_\_  
Charles L. Marks

  
\_\_\_\_\_  
Harry E. Buchheister, Jr.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

June 19, 1997

Michael Marino, Esquire  
LEVY & MARINO, P.A.  
609 Bosley Avenue  
Towson, MD 21204

RE: Case No. 97-53-XA  
Edward L. Dell, et ux -Petitioners

Dear Mr. Marino:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

A handwritten signature in cursive script that reads "Kathleen C. Bianco for".

Kathleen C. Bianco  
Administrator

encl.

cc: Mr. and Mrs. Edward L. Dell  
Mr. C. Robert McMillion  
Mr. and Mrs. Kenneth Smalley  
Mr. John J. Ghingher III  
Mr. Robert P. Whelen, Jr.  
Cornelius Carmody, Esquire  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

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IN THE MATTER OF  
EDWARD L. DELL, *et ux*  
  
Petitioners  
  
17515 Masemore Road  
7th Election District  
3rd Councilmatic District

\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. 97-53-XA  
\*

\* \* \* \* \*

**DISMISSAL**

Edward L. Dell and Sandra L. Dell, his wife, the Petitioners, through their attorney, Michael E. Marino, dismiss their appeal in the above captioned matter.



Michael E. Marino  
LEVY & MARINO, P.A.  
609 Bosley Avenue  
Towson, Maryland 21204  
(410) 821-6633

Attorney for the Petitioners

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on this 4 day of June, 1997, a copy of the foregoing Dismissal was mailed postage pre-paid, first class mail to:

Mr. C. Robert McMillion  
900 Hillside View Road  
Parkton, MD 21120

Mr. & Mrs. Kenneth Smalley  
17521 Masemore Road  
Parkton, MD 21120

Mr. John J. Ghingher, III  
901 Hillside View Road  
Parkton, MD 21120

Cornelius Carmody, Esquire  
P.O. Box 302  
16940 York Road, Suite 200  
Monkton, MD 21111

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COUNTY BOARD OF APPEALS  
JUN - 6 1997  
PH 4: 16

Mr. Robert P. Whelen, Jr.  
899 Hillside View Road  
Parkton, MD 21120



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Michael E. Marino

IN RE: PETITIONS FOR SPECIAL EXCEPTION  
AND VARIANCE - SE/S Masemore Road,  
235' SW of c/1 Hillside View Road  
(17515 Masemore Road)  
7th Election District  
3rd Councilmanic District

Edward L. Dell, *et ux*  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-53-XA  
\*

\* \* \* \* \*

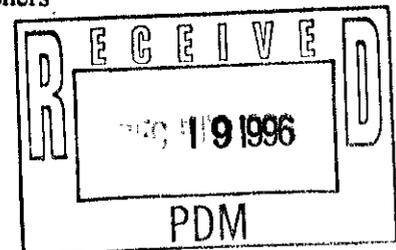
**ORDER FOR APPEAL**

Please enter an appeal on behalf of the Petitioners, Edward L. Dell and Sandra L. Dell, his wife, from the decision of the Deputy Zoning Commissioner dated November 25, 1996, wherein the Petitioners requested a special exception for a landscape service operation on the subject property, and variance relief from the Baltimore County Zoning Regulations as follows: (1) From Section 404.0.A to permit an internal roadway setback from any property line of 1 foot in lieu of the required 25 feet; (2) From Section 409.8.A.2 to permit driveways and parking areas not to be paved or macadam surfaced but to be crusher run surfaced; (3) From Section 404.1.B to permit existing accessory structures (shed and garage) to be located within 20 feet of a property line in lieu of the required 50 feet; and (4) From Sections 404.1.C and 404.3.C to permit loading and unloading to take place 35 feet from a property line in lieu of the required 100 feet, or 20 feet within a fully enclosed structure in lieu of the required 50 feet to allow the continued use of the existing shed and garage for loading and unloading, all of which were denied.



Michael E. Marino  
LEVY & MARINO, P.A.  
609 Bosley Avenue  
Towson, Maryland 21204  
(410) 821-6633

Attorneys for the Petitioners



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 19th day of December, 1996, a copy of the foregoing Order for Appeal was mailed postage pre-paid, first class mail to:

Mr. C. Robert McMillion  
900 Hillside View Road  
Parkton, MD 21120

Mr. & Mrs. Kenneth Smalley  
17521 Masemore Road  
Parkton, MD 21120

Cornelius Carmody, Esquire  
P.O. Box 302  
16940 York Road, Suite 200  
Monkton, MD 21111

Mr. John J. Ghingher, III  
901 Hillside View Road  
Parkton, MD 21120

Mr. Robert P. Whelen, Jr.  
899 Hillside View Road  
Parkton, MD 21120



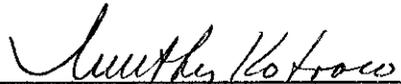
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Michael E. Marino

unloading, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have sixty (60) days from the date of this Order to relocate the landscape service operation and snow removal business from the subject property.

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days of the date of this Order to file an appeal of this decision.

  
\_\_\_\_\_  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 11/25/16  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

November 25, 1996

Michael E. Marino, Esquire  
609 Bosley Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION and VARIANCE  
SE/S Masemore Road, 235' SW of c/l Hillside View Road  
(17515 Masemore Road)  
7th Election District - 3rd Councilmanic District  
Edward L. Dell, et ux - Petitioners  
Case No. 97-53-XA

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Edward L. Dell, 17515 Masemore Road, Parkton, Md. 21120

Mr. C. Robert McMillion, 900 Hillside View Road, Parkton, Md. 21120  
Mr. & Mrs. Kenneth Smalley, 17521 Masemore Road, Parkton, Md. 21120  
Mr. John J. Ghingher, III, 901 Hillside View Road, Parkton, Md. 21120  
Mr. Robert P. Whelen, Jr., 899 Hillside View Road, Parkton, Md. 21120

Cornelius Carmody, Esq., 606 Baltimore Ave., Suite 100, Towson, 21204

People's Counsel; Case File

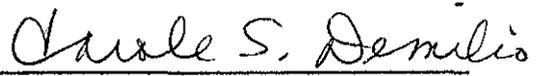
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RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
17515 Masemore Road, SE/S Masemore Road,	*	ZONING COMMISSIONER
35' SW of c/l Hillside View Road		
7th Election District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
Edward L. and Sandra L. Dell	*	CASE NO. 97-53-XA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

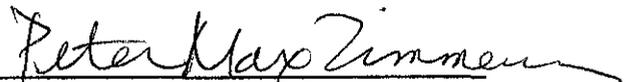
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

  
PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

  
CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

  
PETER MAX ZIMMERMAN

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# Petition for Special Exception

## to the Zoning Commissioner of Baltimore County

for the property located at

17515 Masemore Road

97-53-XA

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a landscape service operation pursuant to Section 404.3 of the Baltimore County Zoning Regulations, for Parcel A equal 0.4 Acres +/- as shown on the accompanying site plan.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

17515 Masemore Road

Address

Phone No

Attorney for Petitioner

Parkton, Maryland 21120

City

State

Zipcode

Michael E. Marino, Esquire

(Type or Print Name)

Name, Address and phone number of representative to be contacted

Signature

Michael E. Marino

Name

609 Bosley Avenue 821-6633

609 Bosley Avenue 821-6633

Address

Phone No

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

Towson, Maryland 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

3 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: 225716

DATE 7/30/92

ORDER RECEIVED FOR FILING  
Date 7/30/92



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# 46



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 17515 Masemore Road

97-53-XA

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The property is unique and without the requested variances the subject property is not capable of being used as a landscape service operation, which is a reasonable use for the owners, thereby creating practical difficulty. The granting of this variance will not result in injury to public health, safety or welfare.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Michael E. Marino, Esquire

(Type or Print Name)

Signature

609 Bosley Avenue

821-6633

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

Legal Owner(s)

Edward L. Dell

(Type or Print Name)

Signature

Sandra L. Dell

(Type or Print Name)

Signature

17515 Masemore Road

Address

Phone No

Parkton, Maryland 21120

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Michael E. Marino

Name

609 Bosley Avenue

821-6633

Address

Phone No

Towson, Maryland 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: [Signature]

DATE: 7/30/96

UNDER RECEIVED FOR FILING  
Date 7/30/96  
BY [Signature]

Printed with Soybean Ink  
on Recycled Paper



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CONTINUATION SHEET

Petition for Variance  
17515 Masemore Road  
Parkton, Maryland 21120

97-53-XA

(1) Section 404.1.A of the Baltimore County Zoning Regulations (BCZR) to permit a 1' setback for internal roadway from any property line, or as shown on plat which accompanies this Petition, in lieu of the required 25'.

(2) Section 409.8.A.2 of the BCZR to allow driveways and parking areas not to be paved or macadamed but to have a crusher run service as shown on the plat which accompanies this Petition.

(3) Sections 404.1.B of the BCZR to permit accessory structures (shed and garage) to be within 20' of any property line in lieu of the required 50'.

(4) Sections 404.1.C and 404.3.C of the BCZR requiring loading and unloading from a residentially zoned property to take place 35' in lieu of the required 100' from any property line or 20' within a fully enclosed structure in lieu of the required 50' in order to use the existing shed and garage (if applicable) for loading, unloading, and storing lawn mowers used in the landscape service operation.

ORDER RECEIVED FOR FILING  
Date 11/23/10  
By [Signature]

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Paul Lee, P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5944

97-53-XA

DESCRIPTION

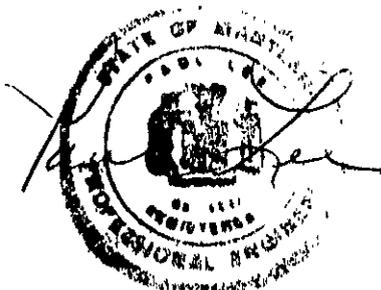
#17515 MASEMORE ROAD

PARCEL A - 0.40 ACRES <sup>±</sup>

ELECTION DISTRICT 7C3 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being located southwesterly - 235 feet <sup>±</sup> from the center of Hillside View Road and S 42°27'00" E - 280.15 feet along the east boundary of subject property from the center of Masemore Road; thence continuing along said east property line (1) S 42°27'00" E - 90.00 feet to the south boundary line of said property, thence running with and binding on part of said south property line (2) S 40°16'00" W - 86.32 feet, and (3) S 82°36'00" W - 130.00 feet, thence leaving said south boundary line for the three new lines of division, (4) N 07°24'00" W - 95.00 feet, (5) N 82°36'00" E - 101.72 feet, and (6) N 40°16'00" E - 54.66 feet to the point of beginning.

Containing 0.40 acres of land more or less and referred to as Parcel A.



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J.O. 96-026  
7/22/96

Engineers — Surveyors — Site Planners

# 46

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

97-53-XA

District: 7th

Date of Posting: \_\_\_\_\_

Posted for: \_\_\_\_\_

9-6-96 Shearling

Petitioner: \_\_\_\_\_

Edward Bell, et al

Location of property: \_\_\_\_\_

Location of Sign: \_\_\_\_\_

17515 Masepore Road

Remarks: \_\_\_\_\_

Front yard by Road

Posted by: \_\_\_\_\_

WLF

Signature

W. Flinn

Date of return: \_\_\_\_\_

Number of Signs: \_\_\_\_\_

MICROFILMED



**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-S3-XA  
(Item 46)  
17315 Masenore Road  
SE3 Masenore Road, 235'  
SW of cf Hillside View Road  
7th Election District  
3rd Councilmanic  
Legal Owner(s):  
Edward L. Dell and Sandra L. Dell

Special Exemption for a  
Landscaping Service operation.  
The proposed use is a landscaping service operation. The property is zoned R-100. The proposed use is shown on plat in lieu of the required 25 feet to allow driveways and parking areas not to be paved or macadam but to have a crusher run surface as shown on the plat to permit accessory structures (shed and garage) to be within 20 feet of any property line in lieu of the required 50 feet, and requiring loading and unloading from a residentially zoned property to take place 35 feet in lieu of the required 100 feet from any property line or 20 feet within a fully enclosed structure in lieu of the required 50 feet in order to use the existing shed and garage (if applicable) for loading, unloading, and storing lawn mowers used in the landscape service operation.  
Hearing: Friday, September 6, 1996 at 10:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3333.  
(2) For information concerning the file and/or hearing, Please Call 887-3391.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., Aug 22, 1996

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 22, 1996

**THE JEFFERSONIAN,**

*A. H. Amick*  
**LEGAL AD. - TOWSON**

**MICROFILMED**

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 009867

DATE 12/19/96 ACCOUNT R-601-6150

AMOUNT \$ 460.00

RECEIVED FROM: Michael E. Marino, Esq.

FOR: Appeal case # 97-53-XA

MICROFILMED

01A00#0179#1111RC  
BA 6009#1111M12-20-96

MAD. MD

VALIDATION OR SIGNATURE OF CASHIER

RYE

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE REVENUE DIVISION  
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\$460.00

VALIDATION OR SIGNATURE OF CASHIER

RYE

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
 ARNOLD JABLON, DIRECTOR

-----  
 For newspaper advertising:

Item No.: 46 Petitioner: Edward L. Dell

Location: 17515 Mascmore Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ~~ED~~ Michael E. Marino

ADDRESS: 609 Bosley Ave

Towson, MD 21204

PHONE NUMBER: (410) 821-6633

MICROFILMED

# CERTIFICATE OF POSTING

RE: Case No.: 97-53-XA

Petitioner/Developer: \_\_\_\_\_

EDWARD L. Debb, ET UX

Date of Hearing/Closing: \_\_\_\_\_

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at SE/1<sup>7515</sup> MASEMORE RD

235' SW OF C/L HILLSIDE VIEW ROAD

The sign(s) were posted on JAN, 29, 1997  
(Month, Day, Year)

Sincerely,

Dennis Rioux  
(Signature of Sign Poster and Date)

DENNIS RIOUX (RED)  
(Printed Name)

\_\_\_\_\_  
(Address)

TOWSON MD 21204  
(City, State, Zip Code)

887-8099  
(Telephone Number)

*T/C FROM  
Protertant /smalley -  
SIGN POSTED ON  
HIS PROPERTY.  
T/C TO enforcement -  
Hebere said it would  
be reposted ASAP.  
CW  
1-30-97*

*Vm. #7302*

CERTIFICATE OF POSTING

RE: Case No.: 97-53 XA

Petitioner/Developer: \_\_\_\_\_

EDWARD DELL  
PROP.

Date of Hearing/Closing: \_\_\_\_\_

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

17515 MASEMORE RD. (DAMAGED SIGN  
RE-POSTED)

The sign(s) were posted on 5/8/97  
(Month, Day, Year)

Sincerely,

Gary Freund 5/12  
(Signature of Sign Poster and Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

4-11-97

Mr. Dell called  
to request sign  
be pulled upright.

Bent down in  
Heavy wind?

MICROFILMED

Cher  
4-17-97 - LEFT VM  
FOR DENNIS RIOUX TO  
STAND SIGN up next time  
in area!

TO: PUTUXENT PUBLISHING COMPANY  
August 22, 1996 Issue - Jeffersonian

Please forward billing to:

Michael E. Marino, Esq.  
609 Bosley Avenue  
Towson, MD 21204  
821-6633

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-53-XA (Item 46)  
17515 Masemore Road  
SE/S Masemore Road, 235' SW of c/1 Hillside View Road  
7th Election District - 3rd Councilmanic  
Legal Owner(s): Edward L. Dell and Sandra L. Dell

Special Exception for a landscape service operation.

Variance to permit a 1 foot setback for internal roadway from any property line, or as shown on plat, in lieu of the required 25 feet; to allow driveways and parking areas not be paved or macadamed but to have a crusher run surface as shown on the plat; to permit accessory structures (shed and garage) to be within 20 feet of any property line in lieu of the required 50 feet; and requiring loading and unloading from a residentially zoned property to take place 35 feet in lieu of the required 100 feet from any property line or 20 feet within a fully enclosed structure in lieu of the required 50 feet in order to use the existing shed and garage (if applicable) for loading, unloading, and storing lawn mowers used in the landscape service operation.

HEARING: FRIDAY, SEPTEMBER 6, 1996 at 10:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 15, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-53-XA (Item 46)  
17515 Masemore Road  
SE/S Masemore Road, 235' SW of c/l Hillside View Road  
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HEARING: FRIDAY, SEPTEMBER 6, 1996 at 10:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Edward L. Dell and Sandra L. Dell  
Michael E. Marino, Esq.

*cc: C. Robert McMillion*

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

March 27, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-53-XA

IN THE MATTER OF: EDWARD L. DELL, ET UX -  
Petitioners 17515 Masemore Road  
7th Election District; 3rd Councilmanic District

*Dismissed  
by Appellant  
6/04/97*

(Petitions for Special Exception and Variance  
DENIED.)

ASSIGNED FOR: WEDNESDAY, JUNE 11, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should  
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said  
requests must be in writing and in compliance with Rule 2(b) of the  
Board's Rules. No postponements will be granted within 15 days of  
scheduled hearing date unless in full compliance with Rule 2(c). For  
further information, see Board's Rules of Practice & Procedure,  
Appendix C, Baltimore County Code.

Kathleen C. Bianco  
Legal Administrator

cc: Counsel for Appellants /Petitioners : Michael E. Marino, Esquire  
Appellants /Petitioners : Mr. & Mrs. Edward L. Dell

Paul Lee /Professional Engineer

Protestants : C. Robert McMillion  
Mr. & Mrs. Kenneth Smalley  
John J. Ghingher III  
Robert P. Whelen, Jr.  
Cornelius Carmody, Esquire

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt

Arnold Jablon, Director /PDM  
Virginia W. Barnhart, Co Atty

Case No. 97-53-XA

EDWARD L. DELL, ET UX - Petitioners

SE/s Masemore Road, 235' SW of c/1 Hillside  
View Road (17515 Masemore Road)

7th Election District

Appealed: 12/19/96

(see copy of vicinity map)

**MICROFILMED**



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 29, 1996

Michael E. Marino, Esquire  
609 Bosley Avenue  
Towson, MD 21204

RE: Item No.: 46  
Case No.: 97-53-XA  
Petitioner: Edward Dell, et ux

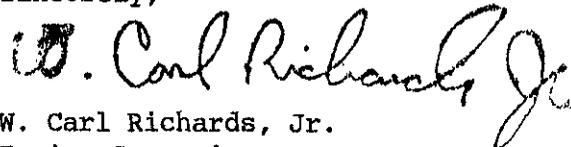
Dear Mr. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 30, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,



W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

MICROFILMED





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: August 27, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 17515 Masemore Road

INFORMATION:

Item Number: 46

Petitioner: Dell Property

Property Size: \_\_\_\_\_

Zoning: RC 2

Requested Action: \_\_\_\_\_

Hearing Date:  / /

SUMMARY OF RECOMMENDATIONS:

Based on a field visit and discussions with nearby residents, the Planning Office offers the following comments and recommendation:

1. The requested landscape service operation has been, and will continue to negatively impact the general welfare of nearby residential properties, especially the adjacent Smalley property. The use is a 12 month operation, that switches from a landscape service, to firewood cutting and sales, to a snow removal service according to the season. The traffic, noise and related safety issues bear directly on the Smalley residence which is only 60' from the use in common drive that serves as access to the landscape service operation. It is evident that the peaceful enjoyment of the Smalley property is significantly compromised by the trucks, heavy equipment, customers and related noise generated by the business.
2. It is the opinion of the office that the original intent of Section 404 of the Baltimore County Zoning Regulations was to allow certain uses in areas of the County that could offer spacial separation from adjoining residences, therein reducing any negative impacts. This petition not only offers no separation or buffer between the use and nearby residential uses, but seeks variances to required setbacks.

This office believes that this particular location is not proper for the proposed use, and the petition cannot meet the provision of Sections 404.3, 502.1 or 307.1. of the Baltimore County Zoning Regulations. Therefore, it is recommended that the petition be denied.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kerns

AFK/JL/lw

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management August 22, 1996

FROM: R. Bruce Seeley *RBS*  
DEPRM

SUBJECT: Zoning Item #46 - Dell Property  
17515 Masemore Road  
Zoning Advisory Committee Meeting of August 12, 1996

The Department of Environmental Protection and Resource Management has the following comments on the above-referenced zoning item:

Environmental Impact Review

Parcel A cannot be subdivided from the gross tract area.

Agricultural Preservation

These requests for variances to the Zoning Regulations should not be granted unless extraordinary conditions are demonstrated on this property and, in that case, its use for landscape service should be reconsidered.

These standards were adopted in 1992 as a safeguard to the adjacent residential properties and communities. It was only with these safeguards that the Zoning Regulations were amended to allow "landscape services" in RC-2 zones.

With respect to the variance for macadam, this should not be granted unless it can be proven that the grades are such that there is no potential for sediment to enter the reservoir stream systems which are in close proximity to this property.

RBS:DL:WL:sp

DELL/DEPRM/TXTSBP

MICROFILMED



Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 08/14/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 12, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 43, 45, 46, 47, 49, 50, 51, 52,  
53 AND 54.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F MICROFILMED

cc: File



*To Zoning*

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: August 16, 1996

FROM: *RWB* Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for August 19, 1996  
Item Nos. 043, 045, (046), 047, 050,  
051, and 053

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

Baltimore County Government  
Department of Community Development



One Investment Place Suite 800  
Towson, MD 21204

887-3317  
Fax 887-5696

# PETITION PROBLEMS

## #43 --- JRA

1. Petition form does not have section number or what they are requesting.
2. Petition form states zoning is "residential".

## #45 --- MJK

1. Petition was not given copy of receipt - still in folder.
2. No telephone number for legal owner

## #46 --- MJK

1. No telephone number for legal owner.

## #48 --- JLL

1. Need authorization for attorney to sign for legal owner.

## #49 --- MJK

1. No telephone number for legal owner.

## #52 --- MJK

1. Receipt not given to petition - still in folder.
2. No name, address, etc. for legal owner.

MICROFILMED

August 7, 1996

HYD. REF. POINT Qa Qb DIA. FITTING or PIPE FTNG'S TOTAL Eqv. Ln. Pn Pv \*\*\*\*\* NOTES \*\*\*\*\*

UNITS - DIAMETER (INCH)	LENGTH (FOOT)	FLOW (GPM)	PRESSURE (PSI)
410T 133.99	20.79	K =	29.387
408 23.50	9.67	17.61	12.81
407 22.71	10.33	16.45	10.56
405 65.85	6.08	16.00	8.39
406 21.93	4.25	15.34	8.14
405 65.85	16.00	K =	16.464
404 30.12	13.50	12.85	10.38
403 18.14	1.17	10.50	13.26
402 17.59	6.17	9.87	6.53
404 30.11	12.85	K =	8.400
401 15.29	17.42	7.46	11.18
400 14.82	6.17	7.00	5.50

\*\*\*\*\*



# Code Enforcement

Baltimore County  
Department of Permits & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt  
Zoning Commissioner

DATE: August 28, 1996

FROM: James H. Thompson - GB  
Code Inspections and Enforcement Supervisor

RE: ITEM NO.: 46  
PETITIONER: Edward L. Dell and Sandra L. Dell

VIOLATION CASE NO.: C-96-4502

LOCATION OF VIOLATION: 17511 Masemore Road  
7th Election District

DEFENDANTS: Edward L. Dell and Sandra L. Dell  
17511 Masemore Road  
Parkton, Maryland 21120

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

<u>NAME</u>	<u>ADDRESS</u>
Kenneth Smalley	17521 Masemore Road Parkton, Maryland 21120-9752
Mr. C. Robert McMillion	900 Hillside View Road Parkton, Maryland 21120-9752

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Inspections and Enforcement Supervisor, so that the appropriate action may be taken to the violation case.

JHT/GB/hek

MICROFILMED



RE: 17515 Masemore Road  
SE/S Masemore Road, 235'  
SW of c/l Hillside View Road  
7th Election District  
3rd Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY

\* Case No. 97-53-XA  
\* (Item 46)

EDWARD L. DELL and  
SANDRA L. DELL, his wife

Petitioners

\* \* \* \* \*

SUBPOENA

TO: Gary Bennett, Code Inspections and Enforcement Officer  
Baltimore County Office of Planning

YOU ARE HEREBY COMMANDED TO:

- ( ) Personally appear;
- ( ) Produce documents and/or objects only;
- ( XX ) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 West Chesapeake Avenue,  
Towson, Maryland 21204 on the 6th day of September, 1996, at  
10:00 a.m.

YOU ARE COMMANDED TO produce the following documents or  
objects:

CURRENT FILE

Subpoena requested by the Petitioners, and any questions should  
be referred to:

Michael E. Marino, Esquire, Levy & Marino, P.A., 609 Bosley  
Avenue, Towson, Maryland 21204, (410) 821-6633

Date Issued 9/5/96 Clifford K. Brown

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 27, 1996

Mr. and Mrs. Kenneth Smalley  
17521 Masemore Road  
Parkton, MD 21120

RE: Petitions for Special  
Exception and Variance  
SE/S Masemore Road, 235'  
SW of c/l Hillside View Rd.  
(17515 Masemore Road)  
7th Election District  
3rd Councilmanic District  
Edward L. Dell, et ux -  
Petitioners  
Case No. 97-53-XA

Dear Mr. and Mrs. Smalley:

Please be advised that an appeal of the above-referenced case was filed in this office on December 19, 1996 by Michael E. Marino, Esquire on behalf of Edward L. Dell and Sandra L. Dell. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

ARNOLD JABLON  
Director

AJ:rye

c: Mr. C. Robert McMillion  
Mr. John J. Ghingher, III  
Mr. Robert P. Whelen, Jr.  
Cornelius Carmody, Esquire  
People's Counsel





Case No. 97-53-XA

SE -Landscape service operation on Parcel A of subject property; VAR -setbacks; paved areas; location of existing accessory structures; and loading and unloading regulations.

11/25/96 -Deputy Zoning Commissioner's Order in which requested relief was DENIED.

---

3/27/97 -Notice of Assignment for hearing scheduled for Wednesday, June 11, 1997 at 10:00 a.m. sent to following:

Michael E. Marino, Esquire  
Mr. & Mrs. Edward L. Dell  
Paul Lee /Professional Engineer  
C. Robert McMillion  
Mr. & Mrs. Kenneth Smalley  
John J. Ghingher III  
Robert P. Whelen, Jr.  
Cornelius Carmody, Esquire  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt

Arnold Jablon, Director /PDM  
Virginia W. Barnhart, Co Atty

---

6/06/97 -Dismissal of appeal filed by Michael E. Marino, Esquire, on behalf of Mr. and Mrs. Edward Dell, Appellants /Petitioners. Order of Dismissal to be issued by CBA.

MICROFILMED

96-4514  
C: G. Bennett  
(he got this)

#46

E. Robert McMillion

900 HILLSIDE VIEW ROAD  
PARKTON, MD 21120-9752

PHONE (410) 457-5027  
FAX (410) 357-5126

Mr. Mitch Kellman  
Baltimore County  
Dept. of Permits and Development Management  
Bureau of "County Planning"  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 10, 1996

AUG 14 1996

Re; Case No. 964502

Dear Mr Kellman;

This is to ask your help in terminating a zoning violation and common nuisance that has developed in our neighborhood over the last few years. The problem is the result of an *in your face* commercial enterprise operated by Steve Dell at 17511 Masemore Road centered in the residential community of Hillside View and the Gunpowder State Park.

I have been a resident of this community for thirty-one years , it was residential then and it should remain residential and without the negative attachment of any commercial enterprise. The taxes paid by the residents of Hillside View reflect the residential nature of the neighborhood and not that of a community contaminated with commercial and or heavy equipment operations.

**HISTORICAL:** After Mr. Steve Dell finished school he began a lawn mowing service, small and localized to the community . Each year since startup the operation has grown and there is reason to believe his goal is to become a *Full line heavy equipment operation.*

**EQUIPMENT LIST (ESTIMATED):** Below is a list of equipment observed by me during the last twelve months although it is not known whether the equipment is /was owned or leased. The value assigned to the equipment is my estimate based on new and used equipment prices and could be in error by ten percent either way.

ITEM #	EQUIPMENT TYPE	PIECES	EST. VALUE
1	Dump Trucks	2	\$60,000
2	One-ton Flatbed truck	2	\$24,000
3	Pick-up Trucks (various sizes)	2	\$30,000
4	Front Loader, 4X4 , John Deere	1	\$25,000

MICROFILMED

5	Back-hoe /Front-loader, John Deere	1	\$28,000
6	Bobcats, Front loader	2	\$50,000
7	Snow Blower, John Deere, 48 inch	1	\$20,000
8	Trailers, Tandem Axle, 16 feet	2	\$3,000
9	Mowers, Commercial, various	3-6	\$12,000
10		Total	\$252,000

MY OBJECTIONS: My objections to this operation may be summarized as listed below.

1. The property is surrounded by nine families and there are several children and grandchildren playing in and around the community.
2. The lot is small, probably less than two acres, and approximately half of it is unsuitable for vehicular traffic or storage.
3. The property borders the Gunpowder State Park on the North-East and also on the West side.
4. A stream runs through the property and promptly empties into the Gunpowder river and is a potential source of feeding commercial pollutants into the water supply.
5. The lot size does not permit the turning of Truck-trailers on site, therefore the Truck -Trailer combinations are *BACKED* along Hillside View Road toward the Dell entrance while continuously making a piercing loud noise and simultaneously producing a very hazardous condition.
6. The Hillside View road width and surface is neither wide enough nor is it strong enough to support the burden of this commercial operation.
7. The operation continues to grow and there is very little likelihood the operation would ever be scaled down in size without the significant effort of your offices.

It would be greatly appreciated if you and your offices would act promptly to rid our community of this annoying eyesore.

Sincerely yours,

*C. Robert McMillion*

C. Robert McMillion  
 900 Hillside View Road  
 Parkton, MD 21120-9752

c.c. Gary Bennett, Balto. Co. Code Enforcement

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director                      DATE: January 5, 1998  
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*  
County Board of Appeals

SUBJECT: Closed File: Case No. 97-53-XA  
Edward L. Dell, et ux  
7th E; 3rd C

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated June 19, 1997, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-53-XA)

MICROFILMED

CORNELIUS J. CARMODY  
ATTORNEY AT LAW

*Mail to  
this  
address*

SUITE 100  
606 BALTIMORE AVE.  
TOWSON, MD 21204

SUITE 201  
P.O. BOX 302  
16940 YORK ROAD  
MONKTON, MD 21111

(410) 329-8074 • FAX 357-5169

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

John J. Ghingher III

901 Hillside View Road

Robert P. Whelan Jr.

899 Hillside View Road

Maryann R. Smalley

17521 Masemore Rd

KENNETH L. SMALLEY

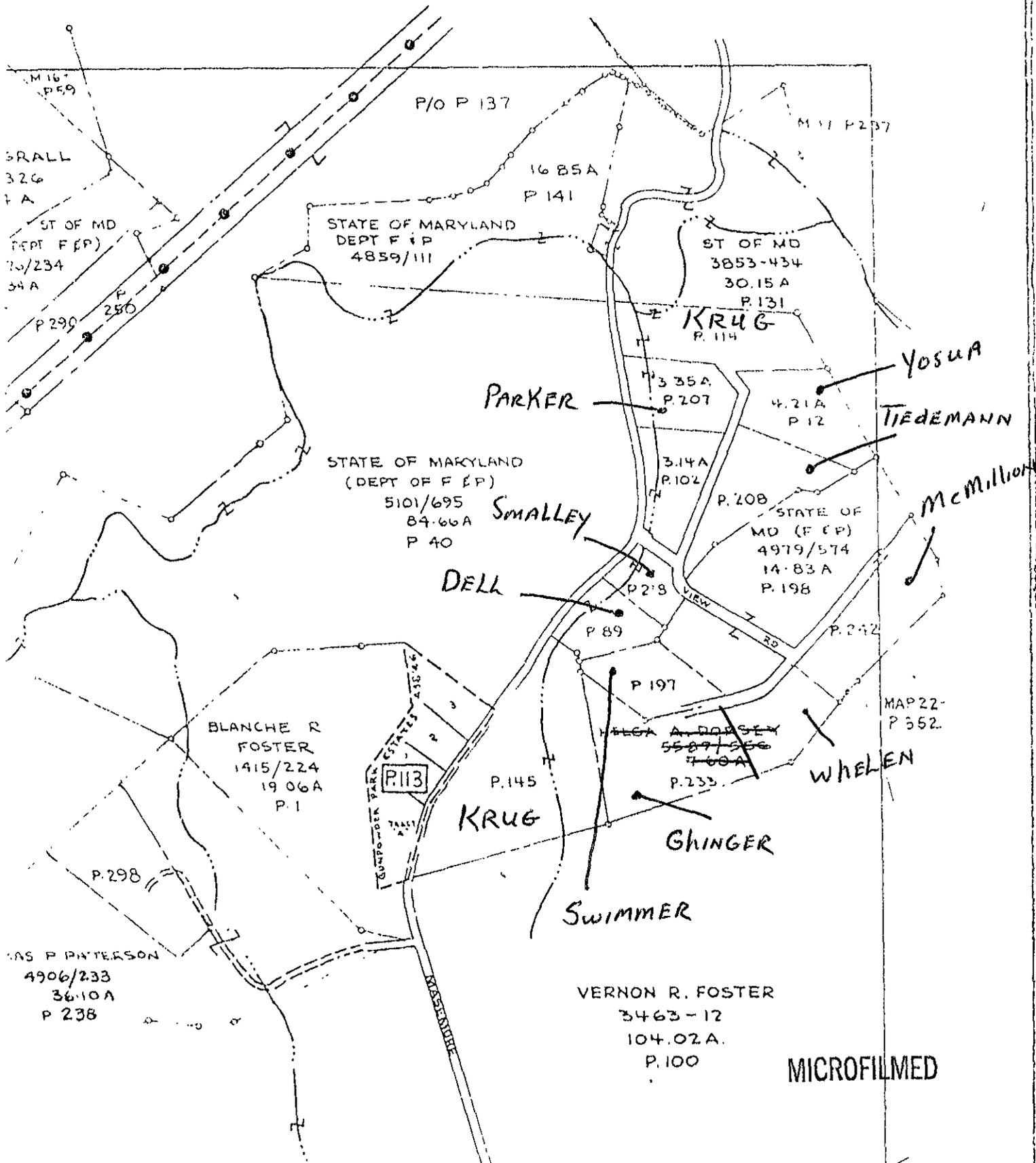
17521 MASEMORE RD

Robert McMillion

900 Hillside View Rd



# PROTESTANTS EXHIBIT NO. 2



MICROFILMED

*Hillside View Residents*

Masemore Road and Hillside View Road

Parkton, MD 21120

August 21, 1996

Baltimore County Department of Permits  
and Development Management  
111 West Chesapeake Ave.  
Towson, MD 21204

Attn: Mr. Mitch Kellman

Re: Hearing Case No. 97-53-XA

Code Violation Case No. 96-4502

17515 Masemore Road

Parkton, MD 21120

7th Election District

**PROTESTANTS  
EXHIBIT NO. 3**

Dear Mr. Kellman,

The undersigned, residents of Hillside View, oppose the granting of the special exception and/ or variance requested in the above case. The activity for which the variance is sought is the conducting of a landscaping service operation otherwise prohibited by the existing zoning. Neither is such business one of the permitted special exceptions set forth in the Zoning Code.

Hillside View is a unique community comprised of only nine single family residences. There are no businesses anywhere in the area other than agricultural operations. Hillside View abuts Gunpowder State Park and ingress is by a single road, Hillside View Road from Masemore Road.

The existence and/or continuation of Mr. Steve Dell's landscaping business has a serious detrimental impact upon our health, safety and welfare and detracts from the use and enjoyment of our property, most of which were owned prior to the commencement of this activity. The movement of trucks with trailers on and through our road is a hazard to children and a visual and noise annoyance to all of the residents. Those residents abutting the Dell property also have the visual impact of having commercial tractors, mowers and such on the Dell property as well as the traffic caused by the numerous employees coming to work and parking their vehicles on the Dell property.

MICROFILMED

It is our belief that Mr. Steve Dell has no investment of any substance in the property at which the business is conducted. Any investment in stationary assets which he may have made was made with full knowledge of the existing zoning.

No hardship, exceptional or otherwise, will be suffered by either Mr. Steve Dell, the operator of the business, or his parents. The record owners of the property, by requiring the business to be moved from the property. The fact that Mr. Steve Dell may have to pay rent at a new location is not a factor which may be considered in ruling upon the request for the variance.

For the above reasons, and those which may be presented in the hearing, we request that the special exception/variance requested in Case No. 97-53-XA be denied.

Very truly yours,

Printed Name C. Robert McMillion  
Signature C. Robert McMillion  
Address 900 Hillside View  
Parkton, MD 21120

Printed Name Mary C. McMillion  
Signature Mary C. McMillion  
Address 900 Hillside View Rd  
Parkton, md 21120

Printed Name Robert P. Whelan Jr.  
Signature Robert P. Whelan  
Address 899 Hillside View Rd  
Parkton, Md 21120

Printed Name Christie P. Whelan  
Signature Christie P. Whelan  
Address 899 Hillside View Rd  
Parkton, MD 21120

Printed Name Maryann Smalley  
Signature Maryann Smalley  
Address 17521 MASEMORE RD  
Parkton, Md. 21120

Printed Name Kenneth Smalley  
Signature KENNETH SMALLEY  
Address 17521 MASEMORE RD  
PARKTON, MD. 21120

Printed Name John J. Ghingher III  
Signature John J. Ghingher  
Address 901 Hillside View Rd  
PARKTON, MD. 21120

Printed Name Patricia Moore Ghingher  
Signature Patricia Moore Ghingher  
Address 901 Hillside View Rd.  
Parkton, md. 21120

Printed Name Patricia E. Parker  
Signature Patricia E. Parker  
Address 1092 Hillside View  
Parkton, MD 21120

Printed Name Robert M. Parker  
Signature Robert M. Parker  
Address 1002 Hillside View  
Parkton MD 21120

Printed Name Theodore E. Krug  
Signature Theodore E. Krug  
Address 1000 Hillside View Rd  
Parkton, Md 21120

Printed Name Barbara R. Krug  
Signature Barbara R. Krug  
Address 1000 Hillside View Rd,  
Parkton, Md 21120

Printed Name \_\_\_\_\_

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Printed Name \_\_\_\_\_

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

THIS DEED, Made this 1st day of August in the year one thousand nine hundred and sixty-nine, by and between RALPH C. SMITH, JR. and M. FRANCES SMITH, his wife, of Baltimore County, in the State of Maryland, of the first part, and EDWARD L. DELL and SANDRA L. DELL, his wife, of said County and State, of the second part.

WITNESSETH, that in consideration of the sum of five (\$5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Ralph C. Smith, Jr. and M. Frances Smith, his wife, do grant and convey unto the said Edward L. Dell and Sandra L. Dell, his wife, as tenants by the entireties, their assigns, the survivor of them and the heirs and assigns of the survivor, in fee simple, all that lot or parcel of ground situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland aforesaid, and described as follows, that is to say:-

BEGINNING for the same at a stake at the beginning point of that parcel of land described in a deed from Charles Richard Conner and wife to Monette R. Burns, dated December 14, 1959, recorded among the Land Records of Baltimore County in Liber WJR No. 3641, folio 40 etc., said stake also being at the end of sixty feet in the South two degrees ten minutes fifteen seconds East seven hundred fifty-nine and twenty-five one-hundredths foot line in a deed from Howard G. Kroder and wife to Charles Richard Conner and wife, dated August 24, 1959 and recorded in Liber WJR 3584, folio 532 etc.; running thence binding on the last mentioned deed reversely the five following lines as now surveyed by magnetic bearings, north two degrees ten minutes fifteen seconds west sixty feet to an iron bar, north forty-two degrees twenty-seven minutes west one hundred fifty-two and seventy-six one-hundredths feet to the southeast side of Masemore Road right-of-way, fifty feet wide, thence continuing the same course, North forty-two degrees twenty-seven minutes West seventeen and forty-seven one-hundredths feet to a pipe and to intersect the North twenty-seven degrees fifty-eight minutes forty-five seconds East two hundred sixty-eight and thirty-six one-hundredths foot line in a deed from Howard G. Kroder and wife to Ray G. Anchors, Jr., and wife, dated October 7, 1955, recorded in Liber G.L.B. No. 2796, folio 402 etc., thence binding on that deed the two following lines and running in or near the center of Masemore Road, North thirty-seven degrees seventeen minutes east seventy and sixty-eight one-hundredths feet, and North fifty-nine degrees thirty-four minute East two hundred eighty-five and seventy-one one-hundredths feet; thence by three lines of division, South forty-two degrees twenty-seven minutes East twenty-five and sixty-two one-hundredths feet to the southeast side of the right-

TRANSFER TAX NOT REQUIRED

8-7-69  
MORRIS W. HOOD  
Director of Finance

TAX \$ 20  
STATE PROPERTY TRANSFER REC. #

AUG 7 1969

CLERK

Per: *[Signature]* 1980  
Authorized Signatory  
6-24-69 #106640

of-way of Masemore Road; thence continuing the same course, South forty-two degrees twenty-seven minutes East three hundred forty-four and fifty-nine one-hundredths feet; thence South forty degrees sixteen minutes west eighty-six and twenty-eight one-hundredths feet to the end of the north forty-two degrees fifty-four minutes fifteen seconds west four hundred thirteen and eight one-hundredths foot line of the first above mentioned deed; thence binding on that deed South eighty-two degrees thirty-six minutes West three hundred sixty-nine and ten one-hundredths feet to the place of beginning; containing two acres and seven hundred ninety-two one-thousandths of an acre (2.792) of land, more or less.

Also the right to use in common with others a driveway twenty feet wide leading from the property being described herein to a corridor fifty feet wide now known as Hillside View Road, the southeast side of said driveway being described as follows:

Beginning at the end of the South forty-two degrees twenty-seven minutes East three hundred forty-four and fifty-nine one-hundredths foot line of the above described parcel; and running thence North forty degrees sixteen minutes East one hundred fifty-four and eighty-nine one-hundredths feet to the southwest side of the aforementioned corridor leading out to Masemore Road.

Also the right to use in common with others the above mentioned corridor, known as Hillside View Road, fifty feet wide, and described in the deed above mentioned from Charles Richard Conner and wife to Monette R. Burns, dated December 14, 1959, and recorded in Liber WJR 3641, folio 40, etc.

BEING all and the same property which by deed dated February 15, 1969 and recorded among the aforesaid Land Records in Liber 3957, folio 444 from Charles R. Conner and Margaret A. Conner, his wife, to Ralph Smith, Jr. and Mabel Frances Smith, his wife, within Grantors.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Edward L. Dell and Sandra L. Dell, his wife, as tenants by the entireties, their assigns, the survivor of them and the heirs and assigns of such survivor, in fee simple.

AND the said parties of the first part hereby covenant that

they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors:

TEST:

Daphne C. Deener

Ralph C. Smith Jr. (SEAL)  
Ralph C. Smith Jr.

Daphne C. Deener

M. Frances Smith (SEAL)  
M. Frances Smith

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I Hereby Certify that on this 1st day of August, in the year one thousand nine hundred and sixty-nine, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Ralph C. Smith, Jr. and M. Frances Smith, his wife, known to me (or satisfactorily proven) to be the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

Daphne C. Deener  
Notary Public

My commission expires:  
July 1, 1970



16 AM  
Rec'd for record AUG 7 1969 at 11:30  
Per Orville T. Gosnell, Clerk  
Mail to Barbara T. Goldberg  
Receipt No. 16523 \$ 16.50



THIS DEED, Made this 7th day of May, 1965, by and between  
CARL M. SCHNEIDER, JR. and DORIS A. SCHNEIDER, his wife, of  
Baltimore County, State of Maryland, parties of the first part, and  
KENNETH L. SMALLEY and MARYANN R. SMALLEY, his wife, of Baltimore  
County, State of Maryland, parties of the second part.



WITNESSETH, that for and in consideration of the sum of  
Five Dollars (\$5.00) and other good and valuable considerations,  
the receipt whereof is hereby acknowledged, the said parties of  
the first part do hereby grant and convey unto the said parties of  
the second part, as tenants by the entireties, their assigns, and  
unto the survivor of them, his or her heirs and assigns, in fee  
simple, all that lot of ground situate, lying and being in the  
Seventh Election District of Baltimore County, State of Maryland,  
and described as follows, according to a survey made by C. A.  
Myers, Surveyor, on February 23, 1962:



BEGINNING for the same at a bolt in or near the center  
of the present road-bed of Masemore Road at the end of the South  
44 degrees 14 minutes 45 seconds West 83.90 foot line as described  
in a deed from Howard G. Kroder and wife to Charles R. Conner and  
wife, dated August 24, 1959 and recorded among the Land Records of  
Baltimore County in Liber W.J.R. No. 3584, folio 532, etc. thence  
binding on that deed reversely and running in Masemore Road, North  
44 degrees 14 minutes 45 seconds East 83.90 feet to a spike 5 feet  
Northwest of the centerline and to the beginning point of that  
parcel of land conveyed by Deed from Peter E. Wagner, et al, to  
Charles R. Conner and wife, dated January 30, 1962 and recorded in  
Liber W.J.R. No. 3958, folio 433, etc. thence binding on that deed  
by continuing the same course and still running in Masemore Road,  
North 44 degrees 14 minutes 45 seconds East 39.08 feet to a rail-  
road spike, thence leaving that road and running along the South-  
west and West side of a corridor 50 feet wide (known as Hillside  
View Road) with the use thereof in common with others, the first  
line still binding on the last above mentioned deed, South 47  
degrees 52 minutes 15 seconds East 211.78 feet, South 03 degrees  
40 minutes West 47.34 feet and thence by a curve to the left with  
a radius of 164.05 feet, an arc of 107.35 feet and a chord of  
South 19 degrees 05 minutes 10 seconds East 104.18 feet to the  
Southeast side of a driveway 20 feet wide, thence leaving the West  
side of Hillside View Road and binding on the Southeast side of  
said driveway with the use thereof in common with others, South 40  
degrees 16 minutes West 154.89 feet and to the end of the South 42  
degrees 27 minutes East 344.59 foot line of that parcel of land  
described in a Deed from Charles R. Conner and wife to Ralph Smith,  
Jr. and wife, dated February 15, 1962 and recorded in Liber W.J.R.  
No. 3957, folio 444, etc. thence binding on that deed reversely  
the two following lines, North 42 degrees 27 minutes West 344.59  
feet to the Southeast side of the right of way of Masemore Road,  
thence continuing the same course, North 42 degrees 27 minutes  
West 25.62 feet and to intersect the South 59 degrees 34 minutes  
West 373.93 foot line of the first above mentioned deed at the end  
of 88.22 feet, thence binding on that deed reversely and running  
in Masemore Road, North 59 degrees 34 minutes East 88.22 feet to  
the place of beginning, containing 1.632 acres of land more or  
less.



Subject, however, to the aforementioned driveway 20 feet  
wide running along the northwest side of the South 40 degrees 16  
minutes West 154.89 foot line of the above described parcel.



BEING the same lot of ground which by Deed dated Feb-  
ruary 27, 1962 and recorded among the Land Records of Baltimore  
County in Liber W.J.R. No. 3961, folio 74, was granted and conveyed  
by Charles R. Conner and Margaret A. Conner, his wife, unto the  
within Grantors.



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TOGETHER with the buildings thereupon erected, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises unto and to the use of the said parties of the second part, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple.

AND the said parties of the first part, the Grantors, hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed, that they will warrant specially the property hereby granted, and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of the said Grantors.

Witness:

*F. Leroy Peters*  
F. Leroy Peters

*Carl M. Schneider, Jr.* (SEAL)  
CARL M. SCHNEIDER, JR.

*Doris A. Schneider* (SEAL)  
DORIS A. SCHNEIDER

STATE OF MARYLAND)

to wit:

CITY OF BALTIMORE)

I HEREBY CERTIFY, that on this 7th day of May, 1965, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared CARL M. SCHNEIDER, JR. and DORIS A. SCHNEIDER, his wife, known to me to be the persons whose names are subscribed to the within Deed and acknowledged that they executed the same for the purposes therein contained, and further acknowledged said Deed to be their act.

AS WITNESS my hand and Notarial Seal.



*F. Leroy Peters*  
F. LEROY PETERS, Notary Public

My Commission Expires July 1, 1965

Rec'd for record MAY 11 1965 at 9:35 A.M.  
Per Robert R. Gail, Clerk  
Mail to Miles & Stockbridge  
Receipt No. 180348 \$ 6.00



R. C. 4

97-53-XA

R. C. 4

"SUBJECT SITE"

R. C. 2

PARCEL "A"

"NW 29D"

"NW 28D"

R. C. 4

TO MT. CARMEL RD.

MASEMORE

W19.500

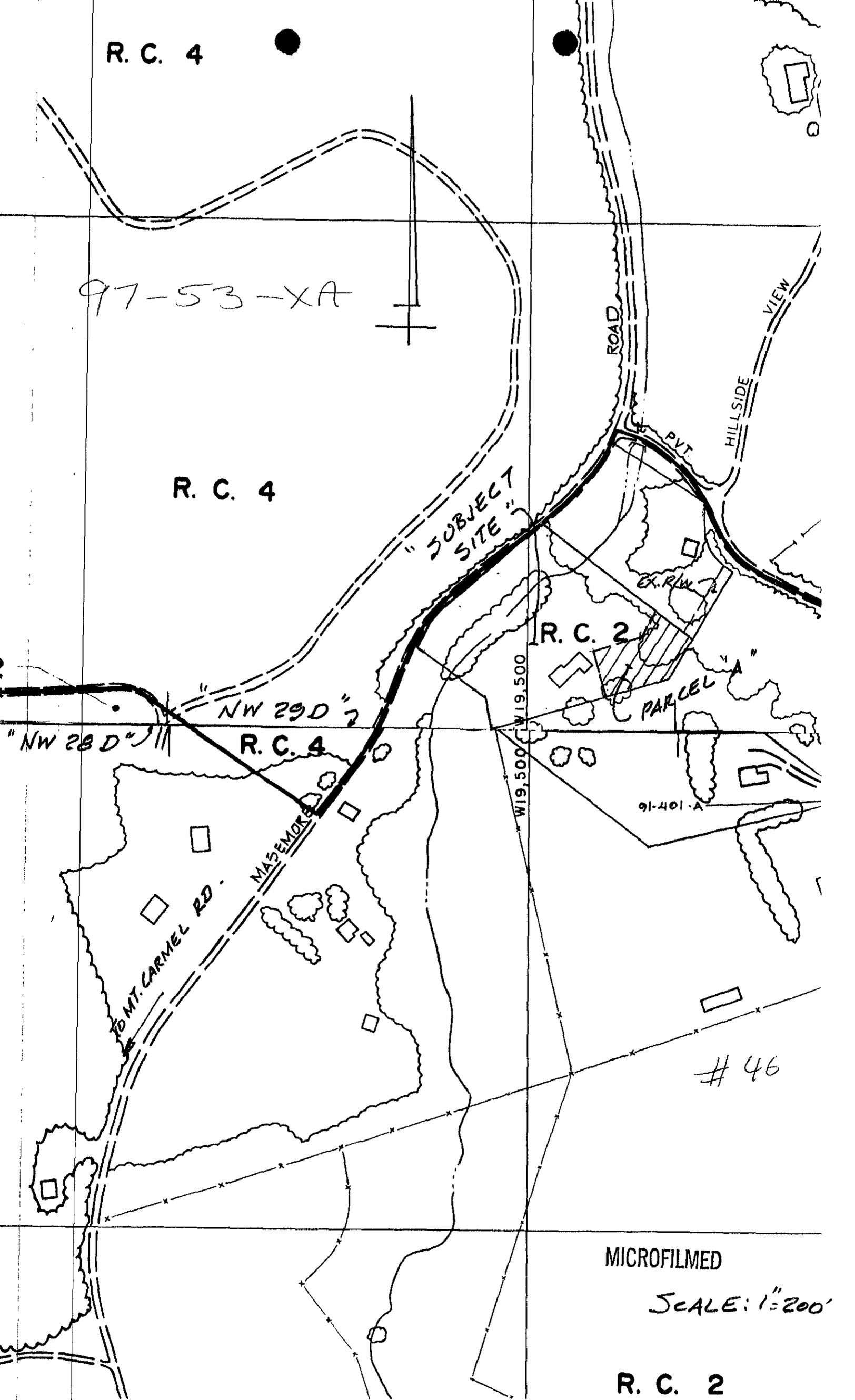
91-401-A

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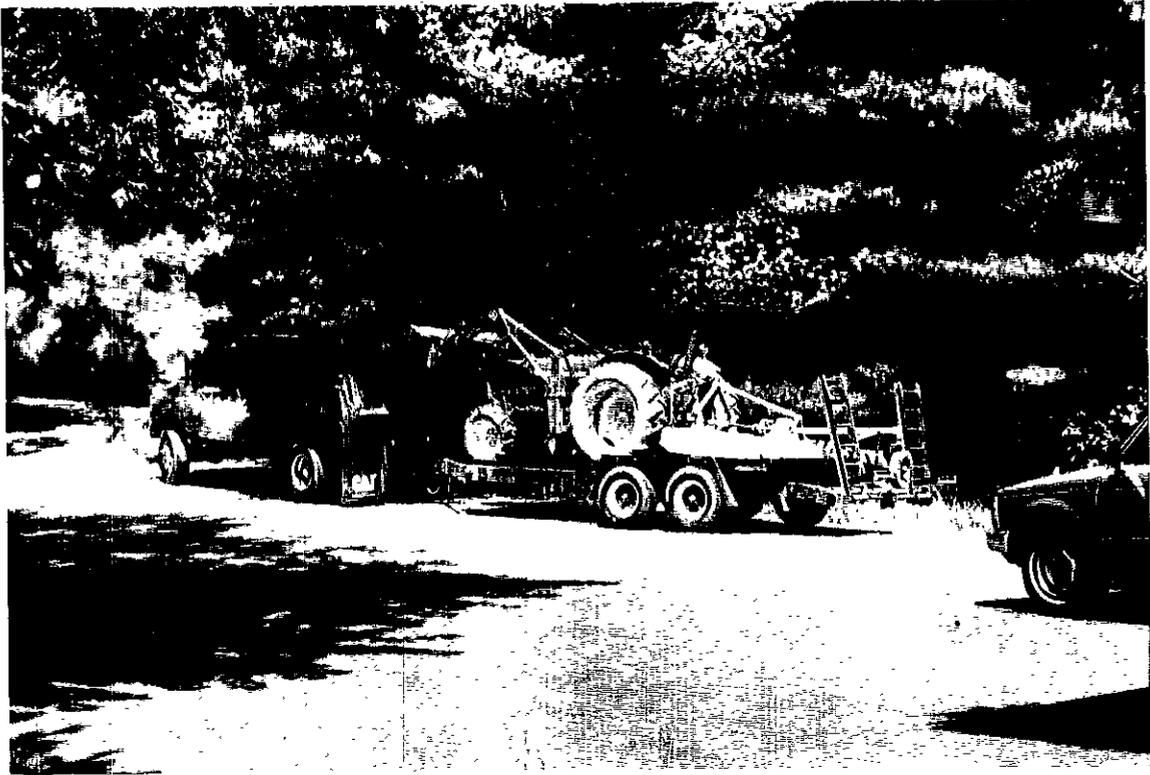
MICROFILMED

SCALE: 1"=200'

R. C. 2

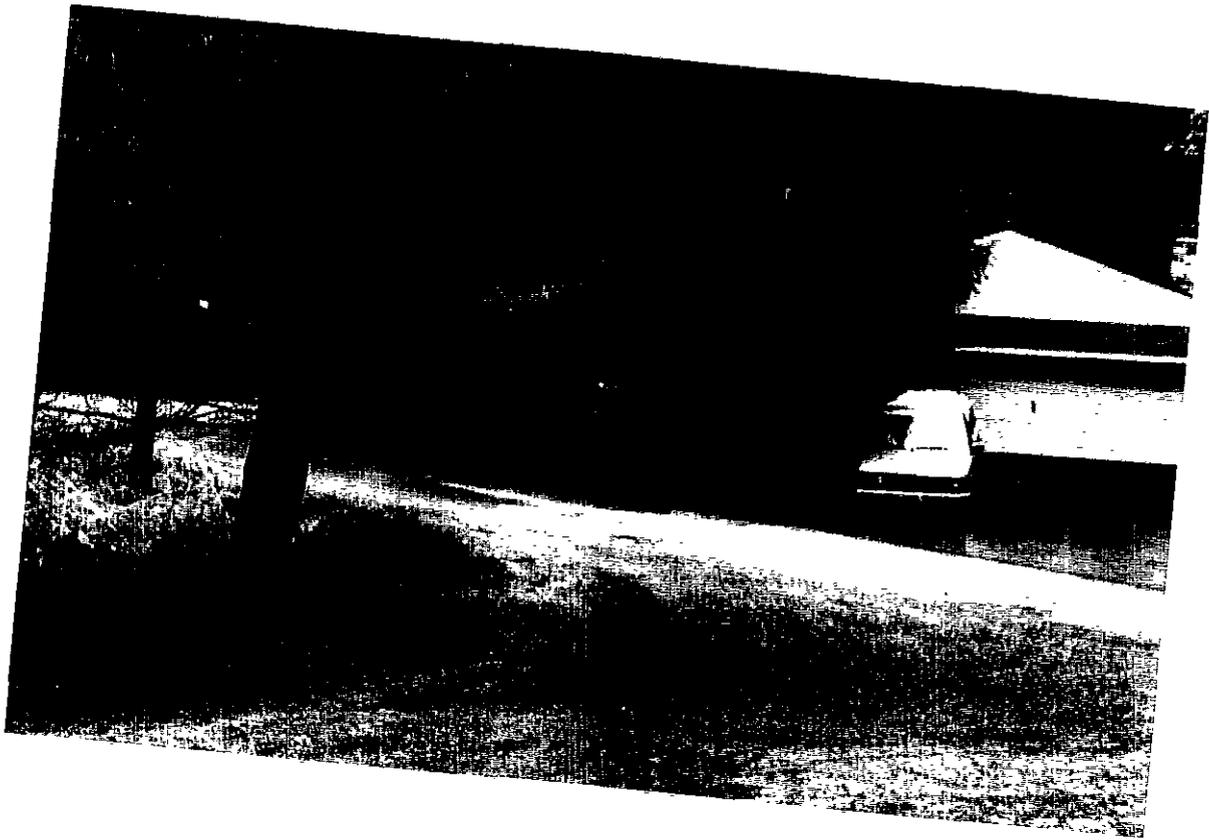












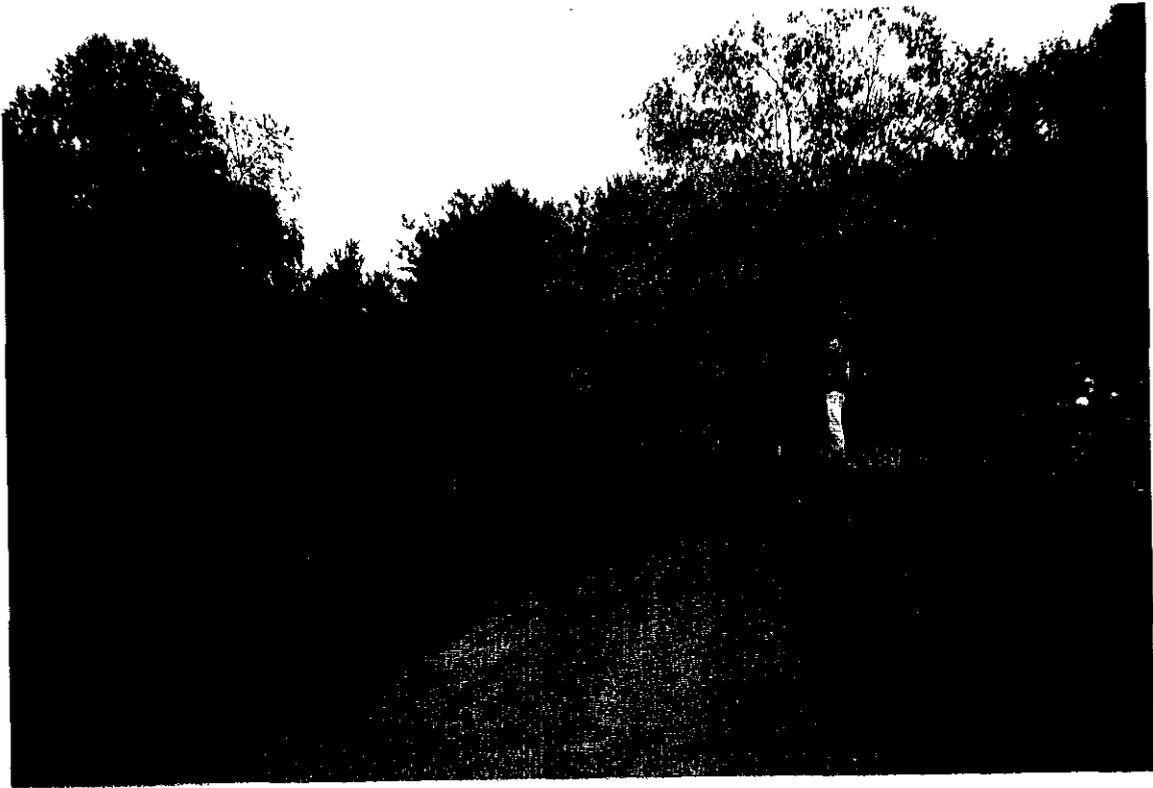


Protestant's  
exhibits 1  
(1-12)  
photographs  
97-53-XA

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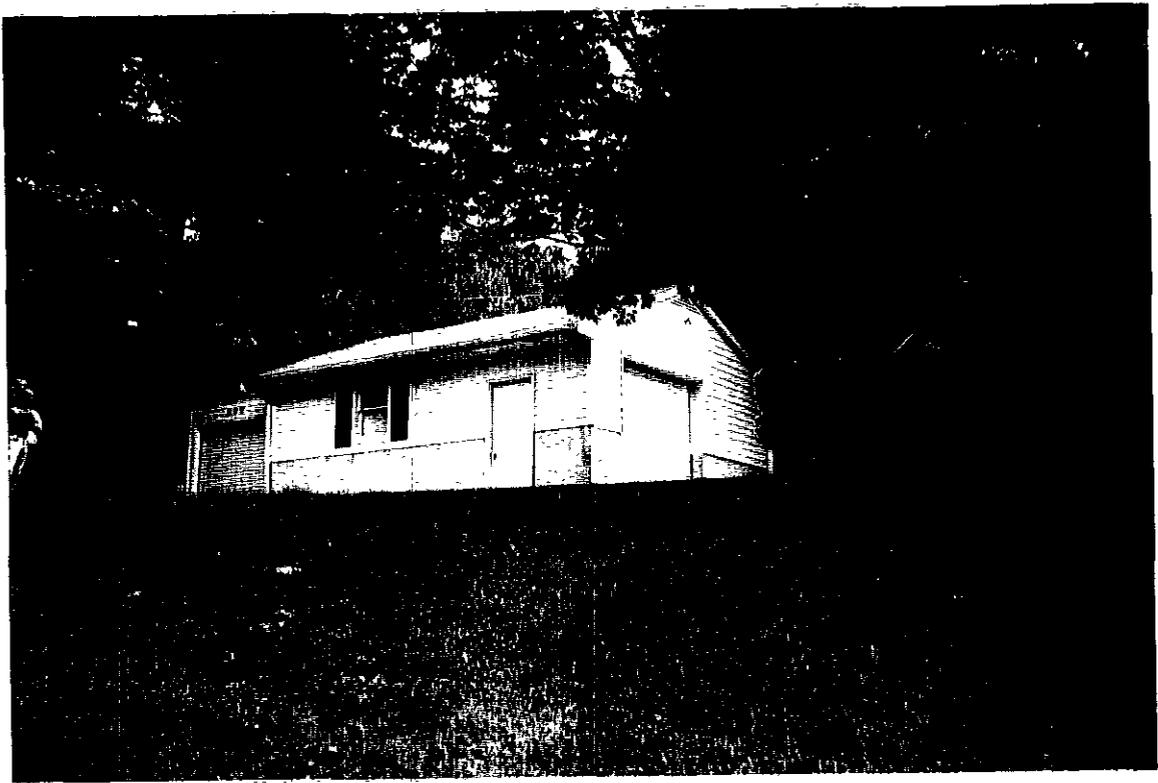




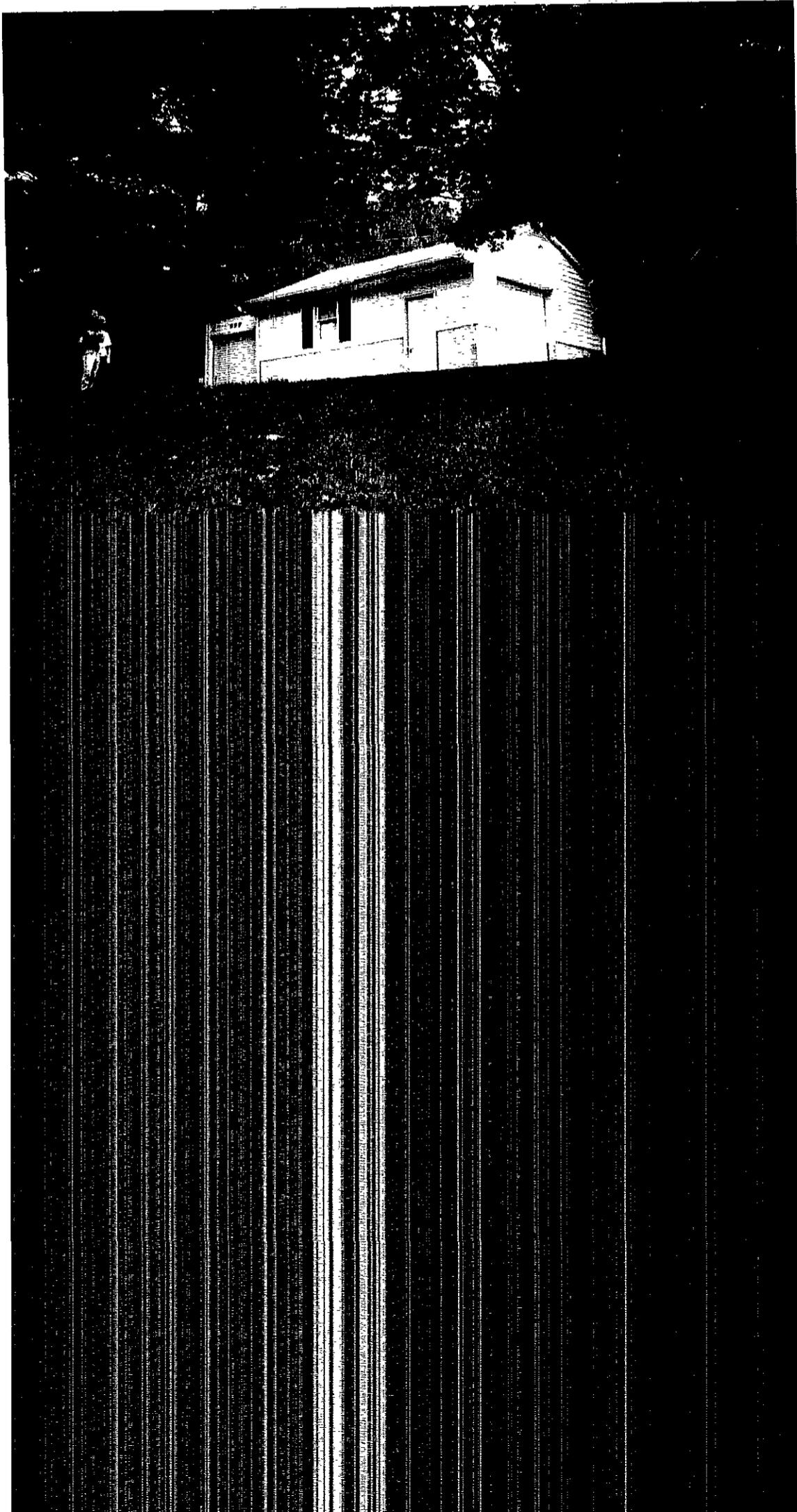














Peterson  
Exhibits 4A-4Y  
photographs  
Case 97-53-XA

**MICROFILMED**



